

POLICE BOARD CITY OF CHICAGO

RULES OF PROCEDURE

ARTICLE VII. APPLICANT APPEALS

Chapter 2-84 of the Municipal Code of Chicago grants the Police Board the power to consider appeals by applicants for a probationary police officer position who have been removed from the Department of Police's eligibility list due to the results of a background examination. Section 2-84-035 of the Code and the following rules set forth the procedure by which the Police Board will consider such appeals.

- A. The applicant shall be given written notice by the Department of Police ("Department") of the Department's decision to remove the applicant from the eligibility list, along with the reason(s) for the disqualification decision.
- B. The applicant may, no later than sixty (60) calendar days from the date on the notice, appeal the decision of the Department by filing with the Police Board ("Board") a written request specifying why the Department erred in the factual determinations underlying the disqualification decision, or bringing to the Board's attention additional facts directly related to the reason(s) for the disqualification decision ("Appeal"). The Appeal must contain all facts, evidence, or arguments in support of the applicant's contention that the Department erred; any omitted facts, evidence, or arguments are deemed waived.

If an applicant wishes to timely obtain a copy of their background-investigation file to aid in the preparation of an Appeal, the applicant must request the file, in writing, from the Department within twenty-one (21) calendar days from the date on the notice. If the applicant makes such a request within this twenty-one (21) day period, the Department shall have no more than fourteen (14) calendar days thereafter to make the applicant's file available for review and copying by the applicant. If the applicant does not make such a request within this twenty-one (21) day period, the Department will make the file available for review and copying by the applicant as soon as reasonably possible, but the Department is not required to do so within fourteen (14) days of the applicant's request, and the Department may not be able to do so before the expiration of the sixty (60) day period.

If an applicant does not file a timely appeal as provided above, such applicant shall be deemed to have waived the right to appeal the Department's decision to remove the applicant from the eligibility list.

- C. Upon receipt of the Appeal, the Executive Director of the Board shall assign the Appeal to an appeals officer of the Board ("Appeals Officer").
- D. Within seven (7) calendar days of receipt of the Appeal, the Board shall forward to the Department a complete copy of the Appeal.

- E. Within forty-five (45) calendar days of receipt of a copy of the Appeal, the Department shall file with the Board: (1) a complete copy of the notice to the applicant along with the reason(s) for the disqualification decision (the material specified in Section A above), and (2) its written response to the Appeal ("Response"), if any. If the Department elects to not file a Response, it will be deemed to stand on the bases for disqualification and evidence in support thereof already of record. If the Department elects to file a Response, it shall serve a copy of the Response on the applicant. The material specified in Section A above and the Response must contain all facts, evidence, or arguments in support of the Department's position; any omitted facts, evidence, or arguments are deemed waived.
- F. The applicant may file with the Board a written reply to the Department's response ("Reply"). Such Reply must be filed no later than thirty (30) calendar days of the applicant's receipt of a copy of the Department's response. If the applicant elects to file a Reply, they shall serve a copy of the Reply on the Department. The Reply must be limited to addressing arguments in the Response and may not include new facts, evidence, or arguments.
- G. All filings specified above must be filed either: (1) in person at the Office of the Police Board during business hours, (2) by certified mail (the date of the postmark of the certified mailing will be considered the date of filing), or (3) by electronic mail.
- H. The applicant shall have the burden of showing, by a preponderance of the evidence, that the Department's decision to remove the applicant from the eligibility list was erroneous.
- I. Based on a review of the Appeal, the Response (if any), and the Reply (if any), the Appeals Officer shall make findings of fact, conclusions of law, and recommendations to the Board, all of which shall be communicated in writing to the Board. The Appeals Officer's findings, conclusions, and recommendations shall be subject to review by the Board, but the Board shall be the final decision-making authority regarding the Appeal.
- J. Any member of the Board may personally examine the filings specified above before final findings and a decision are rendered by the Board. Members of the Board, however, are not required to examine such filings and instead may rely on the Appeals Officer's findings, conclusions, and recommendations as a representative summary of the filings themselves.
- K. In due course, the Board shall render final findings and a decision as provided by law. A vote by a majority of the members of the Board shall be required to render final findings and a decision. The Board shall issue its final findings and decision in writing, which shall be preserved by the Executive Director of the Board and a copy promptly forwarded to the applicant and to the Department. A copy of the written findings and decision shall be posted on the Board's website within five (5) business days of being issued.
- L. If the Board decides to reinstate an applicant to the Department's eligibility list, such order shall become effective forthwith.